



National Park Service
U.S. Department of the Interior
Dinosaur National Monument
Dinosaur, Colorado

Finding of No Significant Impact BLM Bull Canyon Rim Trail

Background

BLM, in cooperation with the NPS, prepared an EA to examine alternatives and impacts associated with constructing the Bull Rim Canyon Trail across both NPS and BLM lands.

Dinosaur National Monument (DINO) currently manages a developed picnic area with entrance signs, asphalt parking to accommodate 10-15 vehicles, asphalt trails to picnic tables, a viewpoint with interpretive signs, and a double vault restroom adjacent to the Bull Canyon Wilderness Study Area (WSA). This site is receiving moderate use during the summer and fall months and is surrounded by Bureau of Land Management (BLM) lands on three sides to the west, north, and east. The cliff rim where the proposed trail is located can be seen from the developed viewpoint and visitors are seeking the experience of traveling along this rim. This has created various parallel, braided and undefined user travels in the project area, some of which travel dangerously close to the cliff rim. A need was identified by White River Field Office (WRFO) staff to designate and define one trail that is a safe distance from cliff drop offs, concentrates use on one path in this particular area, and provides visitors the views, access, and experiences they are seeking.

Selected Action

The Proposed Action, Construct the Bull Rim Canyon Trail, is the preferred alternative and NPS's selected action because it best meets the purpose and need for the project as well as the project objectives to 1) accommodate increased recreation while protecting public safety and 2) enhance the naturalness of the area while restoring sections of braided user-created trails.

Under the Proposed Action, BLM will construct an approximately 1.3 mile Bull Canyon Rim Trail sometime from mid-summer to early fall of 2015. The project is expected to take no more than two weeks to complete. This trail is proposed to be constructed starting from the Plug Hat Butte Picnic Area and traveling northwest in Bull Canyon WSA. The BLM will partner with DINO to install signing at the trailhead, construct the first 550 feet of trail, and install a pass-through style gate where a fence line runs perpendicular to the proposed trail. DINO will review and provide input on the content and materials for any signage and the ability to review the final product before installation. This signage will need to include a map of the trail route and a prominent safety message about the trail's proximity to the cliff drop offs.

The proposed trail primarily consists of an evident user trail with recent use that parallels 10-20 feet away from the abrupt edge of a bedrock rim cliff drop off to Viewpoint 1. The trail corridor will be analyzed 50 feet either side of this line to provide on-the-ground flexibility when the trail

is being constructed. This allows the trail to be located in the most sustainable areas and to be located around any obstacles as needed.

This trail will be pedestrian use only. No public motorized or mechanized use is appropriate in the WSA. Hand tools such as rakes, shovels, McLeods, hand saws, and loppers will be used for any construction needed to create this trail. The trail is located on relatively level terrain in an area with pinyon-juniper trees with sandy soils and exposed bedrock. The trail will have approximately two foot wide tread with vegetation removed along the trail corridor up to four to six feet wide and seven to eight feet high. Therefore the maximum amount of ground disturbance to create this trail will be 0.32 acres, most of which is existing user created tread. The intent of the trail construction is to provide a sustainable yet primitive trail to access areas that are currently receiving increased foot travel. In areas where the proposed trail is located within 50 feet of the primary existing trail, the existing trail will likely be used for the proposed trail alignment. Native seed will be applied to any disturbed areas both in reclamation areas and adjacent to the proposed trail. Large woody debris will be placed in these reclamation areas in a manner to both blend the prior disturbed areas with the surrounding landscape and to prevent any further foot travel in these areas.

The trail will be built through a combination of work by BLM employees, NPS employees, and volunteers. The BLM will serve as the project lead for the construction of this trail. The goal is to maximize long-term trail sustainability and minimize maintenance. Typical long term maintenance of the proposed trail will include using hand tools to remove any encroaching vegetation in the trail corridor and maintaining the trail tread and any drainage structures as needed as well as monitoring use of the trail and inspecting trail signage. This work is expected to take one to two days each year, but will likely vary from year to year.

Design Features

- Any branches cut will be discussed with the project lead or flagged by the project lead before they are cut. Consideration will be given to if the entire branch needs removed or only a portion of it. The decision to cut any branch will be based on whether it is determined to be within the four to six wide and eight feet high trail corridor or not, and if those traveling this portion of the trail will come in contact with the branch while naturally walking on the trail. The intent is to retain as much vegetation along the trail corridor as possible in order to retain the naturalness of the area and not attract attention of those traveling along the trail. All cut branches will be cut flush with the tree's trunk or branch with no stubs remaining.

- Native Seed Mix: # 3

Variety	Common Name	Scientific Name	Rate (lbs PLS/Ac)
Rosanna	Western wheatgrass	<i>Pascopyrum smithii</i>	4
Whitmar	Bluebunch wheatgrass	<i>Pseudoroegneria spicata</i>	3.5
Rimrock	Indian ricegrass	<i>Achnatherum hymenoides</i>	3
	Needle and Thread	<i>Hesperostipa comata</i>	2.5
	Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	1
	Scarlet Globemallow	<i>Sphaeralcea coccinea</i>	0.5

- Any areas where soil must be disturbed greater than a depth of four inches will be discussed with the project lead or marked on the ground by the project lead before the ground is disturbed. This decision will be based on limiting the amount of ground disturbance while also creating the most level, sustainable tread and with appropriate drainage.
- All persons who are associated with implementing the project will be informed that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
- If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the project lead. The BLM will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
- Pursuant to 43 CFR 10.4(g), the project lead will be notified by telephone and written confirmation immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), all project work must stop in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the archaeologist.
- The BLM is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

- If any paleontological resources are discovered as a result of operations under this authorization, work must stop immediately at that site and every effort must be made to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the project lead. The paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days.
- During trail construction, no Curl-Leaf Mountain Mahogany will be cut/removed. Trail alignment will be done in a way to avoid Curl-Leaf Mountain Mahogany.
- BLM will be responsible for surveying the trail twice a year and treating any noxious or invasive weeds by methods outlined in the Integrated Weed Management Plan for WRFO.

Alternatives Considered

Two alternatives were evaluated in the EA including the no action alternative and one action alternative. Under the No Action Alternative the Bull Canyon Rim trail will not be built. The Preferred Alternative is to construct the Bull Canyon Rim trail as described in the previous section.

Environmentally Preferable Alternative

According to the CEQ regulations implementing NEPA (43 CFR 46.30), the environmentally preferable alternative is the alternative "that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative."

Overall the Proposed Action is the environmentally preferable alternative because the multiple user-created braided trails will be restored and a formal trail identified to concentrate moderate trail use, thereby reducing/mitigating impacts to soils over a larger area. The Proposed Action also benefits the wilderness naturalness character of the area by restoring human-caused impacts from unmanaged travel and facilitates current and expected increased future use of the area.

The No Action alternative is not the environmentally preferable alternative because, although no additional ground disturbance will occur, it will not address the unmanaged use of the area and is likely to result in the expansion of user-created braided trails. The degradation of existing user trails and the creation of new ones may cause impacts to vegetation and soils in the area. These unmanaged/unmaintained trails could also impact the wilderness character of the area by degrading the naturalness of the area.

Why the Selected Action Will Not Have a Significant Effect on the Human Environment

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

The project is a site-specific action directly involving BLM administered public lands that do not in and of themselves have international, national, regional, or state-wide importance. This project is located within the Bull Canyon WSA and on approximately 550 feet of DINO lands. The implementation of this project will result in the long term disturbance of up to 0.32 acres. The only management activities visible from the proposed trail are a wire fence that marks the approximate DINO/BLM boundary and the developments in the DINO Plug Hat Butte Picnic Area, which include the paved parking area, a vault toilet, picnic tables, surfaced trails, and an overlook with interpretive signage.

Construction of the proposed trail is likely to result in beneficial effects to recreational visitors to this area. This project provides another amenity for visitors to the Plug Hat Butte Picnic Area and better facilitates this use of the area by providing visitors a safer and more sustainable method for traveling in the area than what exists. By establishing formal trail signage for this trail, visitors can also gain a clear expectation of the distance needed to travel to reach their viewpoint destinations and know where the trail will take them. This ensures that visitors are better prepared for the trail and understand that the trail will meet their desired experience.

The Proposed Action will also result in some impacts to various resources as well. The removal of vegetation from the trail corridor will provide a potential gateway for invasive/noxious weed establishment. Increased levels of use by creating a trail also increases the likelihood of noxious/invasive weeds to be transported into the area on user clothes and shoes. Recreational day-use has the potential to disrupt nesting activities of migratory birds and raptors on a localized basis from mid-April through mid-August. Recreational activity that coincides with big game seasonal use will prompt avoidance and habitat disuse on a localized scale. However, the overall magnitude of these impacts to the area in general from recreational use is not likely to be significant over space and time.

This project meets the BLM WSA non-impairment standard and the BLM Visual Resource Management (VRM) Class I objective to retain the existing character of the landscape.

The degree to which the proposed action affects public health or safety

The Proposed Action is located in an area with extreme cliff drop offs. The intent of locating the trail a safe distance from the cliff edge is designed to improve visitor safety in this area while providing for the desired recreational experience of traveling near the cliff edge for the views down into Bull Canyon. The formal construction and signing of the proposed trail is likely to result in an increase of visitor use to this area. However, while visitation may increase, the trail design and signs at the beginning of the trail are intended to facilitate a safer experience than the current user-created trails.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

This project is located within the Bull Canyon WSA and on approximately 550 feet of DINO lands. This proposed trail provides a unique opportunity for those traveling along the trail to view the dramatic geography of the Bull Canyon drainage and experience traveling through the scenic surrounding landscape. Because the trail will be constructed, using basic hand tools with

minimal ground disturbance and no excavation into the bedrock, the proposed action will not affect any paleontological resources. The preferred alternative will not impact unique characteristics of the area including historic or cultural resources, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas because these resources do not exist in the project area.

The degree to which the effects on the quality of the human environment are likely to be highly controversial

This project was discussed with both BLM White River Field Office staff and DINO staff and no highly controversial effects on the quality of the human environment were identified. This project was also discussed with local representatives of The Wilderness Society with the same outcome. This project is designed to be Visual Resource Management Class I objective of retaining the existing character of the landscape and is not viewable from any location except when traveling on the trail. No other comments or concerns have been received regarding possible effects on the quality of the human environment during scoping.

The degree to which the possible effects on the quality on the human environment are highly uncertain or involve unique or unknown risks

No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action or through scoping and outreach efforts.

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

The preferred alternative is not expected to set a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Combined with other past, present, and future management activities such as the development of the Plug Hat Butte Picnic Area, livestock grazing, big game hunting, and vegetation treatments, the Proposed Action does not relate to these actions in a manner that will result in any cumulatively significant impacts.

The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The proposed trail was surveyed for cultural resources at the Class III intensity level by the White River Field Office archaeologist, which included a 15 meter-wide area of potential effect (APE) buffer on either side of the proposed trail. The survey yielded no National Register or otherwise eligible historic properties in the APE that will be impacted by trail construction activities. Pursuant to the State Protocol Agreement between the Colorado State Director of the BLM and the Colorado SHPO, this undertaking does not exceed any of the review thresholds that would require SHPO concurrence, and there will be no historic properties affected. This determination was documented in a Section 106 Informational Letter (under BLM protocol) to the Colorado State Historic Preservation Officer dated January 5, 2015.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

Nine federally listed species have the potential to occur within the project area, according to a letter received from U.S. Fish and Wildlife Service dated August 19, 2015. Six of these species, (Bonytail chub (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), Humpback chub (*Gila cypha*), Razorback sucker (*Xyrauchen texanus*), Yellow-Billed Cuckoo (*Coccyzus americanus*) and Ute ladies'-tresses (*Spiranthes diluvialis*), occur in or along river/riparian ecosystems, which do not occur in the project area since the proposed trail alignment is along the canyon rim. Black-Footed ferret (*Mustela nigripes*) is highly associated with prairie dog towns, which also do not occur within the project area. Mexican Spotted owl (*Strix occidentalis lucida*) require old-growth or mature forests that possess complex structural components (uneven aged stands, high canopy closure, multi-storied levels, high tree density). The project is located in a more or less even-aged, relatively open pinyon-juniper forest on the canyon rim, which is not ideal habitat for the Mexican Spotted owl. Finally, Greater sage-grouse (*Centrocercus urophasianus*) spends a majority of the time in large expanses of mixed-age sagebrush (*Artemisia* sp.), which also does not occur in the project area. There is no designated Critical Habitat for any of the listed species within the project area.

Therefore, the Proposed Action will have no effect on listed candidate, endangered or threatened species or designated critical habitat.

Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment

Neither the Proposed Action nor impacts associated with it violate any laws or requirements imposed for the protection of the environment.

Public Involvement and Native American Consultation

All public scoping and tribal consultation for the Bull Canyon Rim Trail Project was conducted by BLM White River Field Office.

External scoping was conducted by posting this project on the WRFO's on-line National Environmental Policy Act (NEPA) register (ePlanning) on January 23, 2015.

The preliminary EA and both the BLM's and NPS's unsigned Findings of No Significant Impact (FONSI)s were made available for public review and comment from June 1 to June 30, 2015. One comment letter was received from Conservation Colorado recommending that the BLM adopt the no action alternative and then decommission and rehabilitate all trails in the area. BLM called Conservation Colorado to discuss their comments and explained that decommissioning and rehabilitating all the trails in the area was not viable because continued and future use is anticipated along these routes, resulting in similar impacts and safety concerns. Conservation Colorado did not pursue additional measures following the phone call and let their letter stand as part of the project record.

Tribal consultation period began with letters mailed to the Eastern Shoshone Tribe of the Wind River Reservation, Ute Indian Tribe of the Uintah and Ouray Reservation, the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe on November 25, 2014 and ran through February 28, 2015. One general comment from the Ute Mountain Ute Tribe was received asking for more

information on the project, although no specific request for information was conveyed. In spite of attempts from both sides to schedule a meeting, no meeting was ever held. NPS believes that the BLM consultation actions meet the reasonable and good faith effort to consult with tribes on this project.

Conclusion

As described above, the preferred alternative does not constitute an action meeting the criteria that normally require preparation of an environmental impact statement (EIS). The preferred alternative will not have a significant effect on the human environment. Environmental impacts that could occur are limited in context and intensity, with generally adverse impacts that range from localized to widespread, short- to long-term, and negligible to moderate. There are no unmitigated adverse effects on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, NPS has determined that an EIS is not required for this project and thus will not be prepared.

Approved:

Sue E. Masica

8/26/15

Date

Sue E. Masica

Regional Director, Intermountain Region, National Park Service

Appendix – Non-Impairment Finding

National Park Service's *Management Policies, 2006* require analysis of potential effects to determine whether or not actions will impair park resources. The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. National Park Service managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adversely impacting park resources and values.

However, the laws do give the National Park Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the National Park Service the management discretion to allow certain impacts within park, that discretion is limited by the statutory requirement that the National Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible National Park Service manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. An impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park; or
- identified as a goal in the park's general management plan or other relevant NPS planning documents.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to pursue or restore the integrity of park resources or values and it cannot be further mitigated.

The park resources and values that are subject to the no-impairment standard include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;

- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from National Park Service activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. The NPS's threshold for considering whether there could be an impairment is based on whether an action will have significant effects.

Impairment findings are not necessary for visitor use and experience, socioeconomics, public health and safety, environmental justice, land use, and park operations, because impairment findings relates back to park resources and values, and these impact areas are not generally considered park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values. After dismissing the above topics, there are no topics remaining to be evaluated for impairment, as the majority of the project occurs on BLM land.

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the Superintendent's professional judgment that there will be no impairment of park resources and values from implementation of the preferred alternative.